

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA, Plaintiff v. COMMONWEALTH OF PUERTO RICO, ET AL Defendants	No. 12-cv-2039 (GAG)
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**MOTION PURSUANT TO PARAGRAPH 239 OF THE AGREEMENT FOR
THE SUSTAINABLE REFORM OF THE POLICE OF PUERTO RICO**

To the Honorable Court:

Comes Now the Technical Compliance Advisor (TCA) Arnaldo Claudio, represented by the undersigned attorney and respectfully states and prays as follows:

1. The Police of Puerto Rico, through its legal representation has requested from the TCA a four months extension of the capacity building period based on the need to modify the timeframes set forth in the Action Plans. PRPD's proffered justifications for the extension request are (a) unexpected challenges have delayed the policy approval process, and (b) additional time is required to draft policies and regulations capturing amendments to Act 53-1996 which has been superseded by Act 20-2017. The TCA submits that PRPD has made steady progress in the implementation of its Action Plans during the capacity-building period, and the progress has been particularly noted in the areas of policy development and training.

2. Paragraph 239 of the Agreement for the Sustainable Reform of the Police of Puerto Rico, reads as follows:

“239. Should PRPD need to modify any of the timeframes set forth in the Action Plans, PRPD shall explain to the TCA, in writing, why such modification is necessary. For good cause, which may include budgetary or funding limitations, the TCA may extend any timeframe by up to four months. However, the TCA shall not extend the initial timeframe by more than four months without the approval of DOJ. DOJ shall not unreasonably withhold approval. Any modification to an Action Plan, including extensions approved by the TCA and DOJ, shall be filed with the Court for approval. Extensions submitted to the court shall be effective, absent further action from the Court, 30 days after submission to the court. Disputes on approval for extensions may be submitted to the Court for resolution. The Parties agree that should PRPD need to extend the time for completing an Action Plan beyond the time frame originally contemplated in the approved Action Plan for operational or budgetary reasons, such an extension shall be permitted upon agreement of the Parties and the TCA or upon leave of Court. “

3. That in spite of the language of the above cited Paragraph 239, regarding a request for a four (4) months extension, the TCA has informed the United States Department of Justice of the aforesaid request for an extension of four months. In its letter dated May 26, 2017, the United States Department of Justice has expressed to the Technical Compliance Advisor, thru Counsel Seth Wayne, that “the USDOJ” does not have good cause to object to PRPD’s request.”

4. In view of the above request submitted by the Police of Puerto Rico pursuant to Paragraph 239 of the Agreement and having considered the response of the United States Department of Justice, the TCA informs this Honorable Court his approval of the four months extension, as requested.

5. The TCA further submits that Paragraph 239 of the Agreement dictates that “[A]ny modification to an Action Plan, including extensions approved by the TCA and DOJ, shall be filed with the Court for approval.”

WHEREFORE, the Technical Compliance Advisor respectfully requests that the four (4) months extension requested by the Puerto Rico Police Department be approved by this Honorable Court pursuant to Paragraph 239 of the Agreement for the Sustainable Reform of the Police of Puerto Rico.

Certificate of Service: I hereby certify that copy of the foregoing motion has been electronically notified to all parties through the Court's system.

In San Juan, Puerto Rico, this 30th. day of May, 2017.

S/ Antonio R. Bazán

Antonio R. Bazán González

U.S.D.C. No. 117007

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